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FEB 22 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Carl A. Relser

Serial No.: 10/765,737

Filed: January 27, 2004

Title: Preventing Fuel Starvation of a
Fuel Cell Stack

Docket No.: C-3363

Art Unit: 1745

Examiner: O'Neill, Karie Amber

I hereby certify that this correspondence is being facsimile
transmitted to the United States Patent and Trademark Office
(Fax No. 571-273-8300) on February 22, 2008

Barbara Cecere

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. This paper is responsive to the Office Action dated December 20, 2007.

Claims 1-5 remain for consideration.

2. A copy of a negative disclosure statement filed with the application, and a copy of the postcard received from the USPTO acknowledging receipt thereof are both enclosed herewith.

3,4. Claims 1, 2, 4 and 5 are rejected as anticipated by de Vaal et al (de Vaal). The last element of each of these claims recites "disconnecting the electrical load from the fuel cell stack in the event that there is no flow of gas from said flow fields towards ambient." At the bottom of page 5 of the rejection it is stated that "*De Vaal does not disclose disconnecting the electrical load from the fuel cell in the event that there is no flow of gas from the flow fields towards ambient.*" For that reason alone, the rejection of claims 1, 2, 4 and 5 must be withdrawn.

In de Vaal, "hydrogen concentration sensor" is mentioned at column 2, lines 42, 45 and 51 (hereinafter 2:42, 45, 51); 7:44, 51; 9:12, 13, 15; 10:63, 64; 11:33-36, 37; 13:40; 16:61, 66; and 17:4, 49, 50, 52, 53, 55, 60.

In addition, "hydrogen concentration" is mentioned in de Vaal at 1:47, 48; 2:28, 36, 47; 3:11, 13, 18, 20, 26, 51, 52; 9:26; eight times at 13:35-48; 13:53, 61; 14:50; 15:13;